

**STATE OF IOWA**  
**BOARD OF EDUCATIONAL EXAMINERS**  
**Grimes State Office Building – 400 East 14<sup>th</sup> Street**  
**Des Moines, Iowa 50319-0147**

**Minutes**

**November 4, 2005**

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1                                   **STATE OF IOWA**  
2                                   **BOARD OF EDUCATIONAL EXAMINERS**  
3                           **Grimes State Office Building – 400 East 14<sup>th</sup> Street**  
4                                   **Des Moines, Iowa 50319-0147**

5  
6                                   **Motions**

7  
8                                   **November 4, 2005**  
9  
10

11   Ying Ying Chen moved, with a second by Jacqueline Wellborn, that the Board  
12   go into closed session for the purposes of discussing whether to initiate licensee  
13   disciplinary proceedings and discussing the decision to be rendered in a  
14   contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

15   **MOTION CARRIED UNANIMOUSLY.**  
16

17   Ying Ying Chen moved, with a second by Jacqueline Wellborn, that in **case**  
18   **number 05-14**, the Board find that the evidence gathered in the investigation,  
19   including witness statements and the documentary evidence, does  
20   not corroborate the allegations in the complaint, and that the Board therefore  
21   lacks probable cause to proceed with this matter. Roll call vote: Haigh – yes;  
22   Henderson – yes; Chen – yes; Seeland – yes; Paulsen – yes; Carter – yes;  
23   Wellborn – yes; Robinson– yes; Smith – yes; Aboud – yes; and Jeffrey – yes.

24   **MOTION CARRIED UNANIMOUSLY.**  
25

26   William Haigh moved, with a second by Ying Ying Chen, that in **case number**  
27   **05-17**, In the Matter of: Dan Duello, the Board find probable cause to establish  
28   a violation of the following provisions of the Code of Professional Conduct and  
29   Ethics: 282 IAC 25.3(1)(c), (d) and (e) and order this case set for hearing. Roll  
30   call vote: Aboud – yes; Smith – yes; Robinson – yes; Wellborn – yes; Carter –  
31   yes; Paulsen – yes; Seeland – yes; Chen – yes; Henderson – yes; Haigh – yes;  
32   and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**  
33

34   Jacqueline Wellborn moved, with a second by William Haigh, that in **case**  
35   **number 05-20**, In the Matter of: Jonnika Danielle Ohrt, the Board find

1 probable cause to establish a violation of the following provisions of the Code of  
2 Professional Conduct and Ethics: 282 IAC 25.3(1)(c) and (e)(3) and (4) and  
3 order this case set for hearing. Roll call vote: Haigh – yes; Henderson – yes;  
4 Chen – yes; Seeland – yes; Paulsen – yes; Carter – yes; Wellborn – yes;  
5 Robinson– yes; Smith – yes; Aboud – yes; and Jeffrey – yes. **MOTION CARRIED**  
6 **UNANIMOUSLY.**

7  
8 Ying Ying Chen moved, with a second by Jacqueline Wellborn that in case  
9 number 05-21, In the Matter of: Julie Luedtke, the Board find probable cause  
10 to establish a violation of the following provisions of the Code of Professional  
11 Conduct and Ethics: 282 IAC 25.3(1) and (6) and order this case set for  
12 hearing. Roll call vote: Aboud – yes; Smith – yes; Robinson – yes; Wellborn –  
13 yes; Carter – yes; Paulsen – yes; Seeland – yes; Chen – yes; Henderson – yes;  
14 Haigh – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

15  
16 Jacqueline Wellborn moved, with a second by William Haigh that in case  
17 number 05-22, In the Matter of: Danielle Michelle Peterson, the Board find  
18 probable cause to establish a violation of the following provisions of the Code of  
19 Professional Conduct and Ethics: 282 IAC 25.3(1)(b), (c), and (e)(4) and  
20 25.3(6)(c) and order this case set for hearing. Roll call vote: Aboud – yes;  
21 Smith – yes; Robinson – yes; Wellborn – yes; Carter – yes; Paulsen – yes;  
22 Seeland – yes; Chen – yes; Henderson – yes; Haigh – yes; and Jeffrey – yes.  
23 **MOTION CARRIED UNANIMOUSLY.**

24  
25 William Haigh moved, with a second by Ying Ying Chen that in case number  
26 05-23, In the Matter of: Steven Rex Shirk, the Board find probable cause to  
27 establish a violation of the following provisions of the Code of Professional  
28 Conduct and Ethics: 282 IAC 25.3(3)(c), (6)(c) and (8)(a) and order this case set  
29 for hearing. Roll call vote: Haigh – yes; Henderson – no; Chen – yes; Seeland –  
30 yes; Paulsen – yes; Carter – yes; Wellborn – yes; Robinson– yes; Smith – yes;  
31 Aboud – no; and Jeffrey – yes. **MOTION CARRIED.**

1 Ying Ying Chen moved, with a second by William Haigh that in **case number**  
2 **05-25**, the Board find that, although one or more of the allegations in the  
3 complaint have been substantiated by the witnesses interviewed in the course  
4 of the investigation and the documents gathered in the course of the  
5 investigation, and the allegations may constitute a technical violation of the  
6 board's statute or administrative rules, the evidence before the board indicates  
7 that the alleged violation was an isolated incident and adequate steps have  
8 been taken to remedy the violation and to ensure that incidents of a similar  
9 nature do not occur in the future. Taking into account these circumstances,  
10 and the Board's mission to act upon those complaints which involve a threat to  
11 the health and safety of students and the public, the Board will not pursue  
12 formal disciplinary action in this matter. Roll call vote: Haigh – no; Henderson  
13 – yes; Chen – yes; Seeland – yes; Paulsen – yes; Carter – yes; Wellborn – yes;  
14 Robinson– yes; Smith – yes; Aboud – yes; and Jeffrey – yes. **MOTION**  
15 **CARRIED.**

16  
17 Jacqueline Wellborn moved, with a second by Ying Ying Chen, that in **case**  
18 **number 05-17**, In the Matter of: Dan Duello, the Board extend the 180-day  
19 deadline for issuance of the final decision, due to the need for additional time to  
20 conduct a hearing, prepare a proposed decision, and review the proposed  
21 decision by the Board. Roll call vote: Haigh – yes; Henderson – yes; Chen – yes;  
22 Seeland – yes; Paulsen – yes; Carter – yes; Wellborn – yes; Robinson– yes; Smith  
23 – yes; Aboud – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

24  
25 William Haigh moved, with a second by Jacqueline Wellborn, that in **case**  
26 **number 05-18**, In the Matter of: Charles Frieden, the Board extend the 180-  
27 day deadline for issuance of the final decision, due to the need for additional  
28 time to conduct a hearing, prepare a proposed decision, and review the  
29 proposed decision by the Board. Roll call vote: Aboud – yes; Smith – yes;  
30 Robinson – yes; Wellborn – yes; Carter – yes; Paulsen – yes; Seeland – yes; Chen  
31 – yes; Henderson – yes; Haigh – yes; and Jeffrey – yes. **MOTION CARRIED**  
32 **UNANIMOUSLY.**

1 Ying Ying Chen moved, with a second by William Haigh, that in **case number**  
2 **05-20**, In the Matter of: In the Matter of: Jonnika Danielle Ohrt, the Board  
3 extend the 180-day deadline for issuance of the final decision, due to the need  
4 for additional time to conduct a hearing, prepare a proposed decision, and  
5 review the proposed decision by the Board. Roll call vote: Haigh – yes;  
6 Henderson – yes; Chen – yes; Seeland – yes; Paulsen – yes; Carter – yes;  
7 Wellborn – yes; Robinson– yes; Smith – yes; Aboud – yes; and Jeffrey – yes.  
8 **MOTION CARRIED UNANIMOUSLY.**

9  
10 Referring to the October 7, 2005, minutes, Thomas Paulsen corrected the word  
11 “vocation” to “vocational” on p. 12, line 21 so that the sentence reads:  
12 Rethinking early childhood and vocational education was also recommended.  
13 The October 7, 2005, minutes were **APPROVED UNANIMOUSLY**, as amended,  
14 on a voice vote.

15  
16 Jean Seeland moved, with a second by John Aboud, to file under Notice of  
17 Intended Action, the proposed changes to Chapter 14 rules on the media  
18 specialist endorsement, which reflect the current terminology and practice in  
19 school libraries. **MOTION CARRIED UNANIMOUSLY.**

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6                                   **Minutes**  
7                                   **November 4, 2005**  
8

9     The Board of Educational Examiners held its monthly meeting on November 4,  
10    2005. Board Chair Judy Jeffrey called the meeting to order at 8:32 a.m.

11   Members attending were John Aboud, Brian Carter, Ying Ying Chen, William  
12   Haigh, Jeffrey Henderson, Judy Jeffrey, Thomas Paulsen, Greg Robinson, Jean  
13   Seeland, Beverly Smith and Jacqueline Wellborn. Also in attendance were Dr.  
14   George Maurer, Executive Director of the Board; Christie Scase, Assistant  
15   Attorney General and legal counsel to the Board; Barbara Hendrickson, Board  
16   Secretary; and other visitors. Assistant Attorney General and legal counsel to  
17   the Board Jeanie Vaudt was unable to attend the meeting.

18  
19   Ying Ying Chen moved, with a second by Jacqueline Wellborn, that the Board  
20   go into closed session for the purposes of discussing whether to initiate licensee  
21   disciplinary proceedings and discussing the decision to be rendered in a  
22   contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

23   **MOTION CARRIED UNANIMOUSLY.**  
24

25   The Board reconvened into open session at 9:43 a.m.  
26

27   Ying Ying Chen moved, with a second by Jacqueline Wellborn, that in **case**  
28   **number 05-14**, the Board find that the evidence gathered in the investigation,  
29   including witness statements and the documentary evidence, does  
30   not corroborate the allegations in the complaint, and that the Board therefore  
31   lacks probable cause to proceed with this matter. Roll call vote: Haigh – yes;  
32   Henderson – yes; Chen – yes; Seeland – yes; Paulsen – yes; Carter – yes;

1 Wellborn – yes; Robinson– yes; Smith – yes; Aboud – yes; and Jeffrey – yes.

2 **MOTION CARRIED UNANIMOUSLY.**

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6 a violation of the following provisions of the Code of Professional Conduct and  
7 Ethics: 282 IAC 25.3(1)(c), (d) and (e) and order this case set for hearing. Roll  
8 call vote: Aboud – yes; Smith – yes; Robinson – yes; Wellborn – yes; Carter –  
9 yes; Paulsen – yes; Seeland – yes; Chen – yes; Henderson – yes; Haigh – yes;  
10 and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

11  
12 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**  
13 **number 05-20**, In the Matter of: Jonnika Danielle Ohrt, the Board find  
14 probable cause to establish a violation of the following provisions of the Code of  
15 Professional Conduct and Ethics: 282 IAC 25.3(1)(c) and (e)(3) and (4) and  
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17 Chen – yes; Seeland – yes; Paulsen – yes; Carter – yes; Wellborn – yes;  
18 Robinson– yes; Smith – yes; Aboud – yes; and Jeffrey – yes. **MOTION CARRIED**  
19 **UNANIMOUSLY.**

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1 Smith – yes; Robinson – yes; Wellborn – yes; Carter – yes; Paulsen – yes;  
2 Seeland – yes; Chen – yes; Henderson – yes; Haigh – yes; and Jeffrey – yes.

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18 board’s statute or administrative rules, the evidence before the board indicates  
19 that the alleged violation was an isolated incident and adequate steps have  
20 been taken to remedy the violation and to ensure that incidents of a similar  
21 nature do not occur in the future. Taking into account these circumstances,  
22 and the Board’s mission to act upon those complaints which involve a threat to  
23 the health and safety of students and the public, the Board will not pursue  
24 formal disciplinary action in this matter. Roll call vote: Haigh – no; Henderson  
25 – yes; Chen – yes; Seeland – yes; Paulsen – yes; Carter – yes; Wellborn – yes;  
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2 – yes; Aboud – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

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9 Robinson – yes; Wellborn – yes; Carter – yes; Paulsen – yes; Seeland – yes; Chen  
10 – yes; Henderson – yes; Haigh – yes; and Jeffrey – yes. **MOTION CARRIED**  
11 **UNANIMOUSLY.**

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18 Henderson – yes; Chen – yes; Seeland – yes; Paulsen – yes; Carter – yes;  
19 Wellborn – yes; Robinson– yes; Smith – yes; Aboud – yes; and Jeffrey – yes.  
20 **MOTION CARRIED UNANIMOUSLY.**

21  
22 Referring to the October 7, 2005, minutes, Thomas Paulsen corrected the word  
23 “vocation” to “vocational” on p. 12, line 21 so that the sentence reads:  
24 Rethinking early childhood and vocational education was also recommended.  
25 The October 7, 2005, minutes were **APPROVED UNANIMOUSLY**, as amended,  
26 on a voice vote.

27  
28 Several board members had matters to share at the time of Board Reports.  
29 Jean Seeland had made a presentation on ethics at the Iowa State Education  
30 Association (ISEA) student conference the previous weekend. The students were  
31 very interested in the topic. The board office may receive phone calls or e-mails  
32 with requests for information to be distributed to the college chapters of the  
33 organization. John Aboud, who had met with the local Uniserve district

1 grievance chairman concerning the Board's Code of Ethics, has been invited to  
2 return to visit with the boards of the unit. This will provide an opportunity, in  
3 another week or so, to get the word out on the implications of the ethics rules.  
4 Jacqueline Wellborn will be doing a presentation on November 16 in the teacher  
5 education program at Mount Mercy College and another one in December for  
6 the leadership team in the Linn-Mar CSD. Jean Seeland added that some  
7 members of the Waterloo Education Association at holiday time will give  
8 teachers a file folder for retention of important information about the profession  
9 and will include ethics information with each folder as another avenue of  
10 dissemination of this vital material.

11  
12 Board Chair Judy Jeffrey gave an update on the continuing work of the Iowa  
13 Department of Education (DE) with the U.S. Department of Education (USDE)  
14 on the issue of highly qualified teachers. Iowa's HOUSSSE (Highly Objective  
15 Uniform State Standard of Evaluation) definition was approved. Thus, all  
16 practitioners currently teaching, who follow the procedures of evaluation  
17 according to the Iowa teaching standards and the professional development  
18 plans, are highly qualified. The matter of the qualifications of secondary  
19 teachers has also been accepted. The DE is still working with the USDE on a  
20 common assessment across all the teacher preparation programs for  
21 elementary teachers to document that the individuals are competent in the field  
22 and in the content areas. All of the teacher preparation institutions have come  
23 together with a common assessment, and a validity and reliability study is  
24 being done on the instrument that they are currently using this fall in order to  
25 document that it is just as accurate as a written test. The DE is awaiting a  
26 response from the USDE on this remaining question of Iowa elementary  
27 teachers' knowledge in the content areas as they enter the teaching profession.

28  
29 At the time of Public Comment, Christy Aumer of ISEA introduced herself as the  
30 newest staff counsel. She addressed the Board on the subject of the extension  
31 of the 180-day deadline for resolution of complaints and the extension  
32 becoming more the norm than the exception. Board Chair Judy Jeffrey  
33 welcomed Ms. Aumer and responded that the Board is in agreement with her

1 in sharing the concern about extension of the 180-day deadline. The Board  
2 hopes for support to retain a greater percentage of its fees through this  
3 legislative session so as to have the staff and the resources needed to be able to  
4 complete cases in a timely fashion.

5  
6 Executive Director Dr. George Maurer reported on a number of issues:

- 7 1) He reviewed figures on the October monthly financial report.
- 8 2) Following his input regarding the cost of printing the ethics brochures, the  
9 Board's consensus was to have staff include a brochure with each license  
10 when they are sent out over the span of a five-year period.
- 11 3) He referred to an updated handout on the legislative reception on  
12 February 1, especially talking points with legislators, and he invited  
13 additional input from board members. Jean Seeland asked if there was  
14 going to be a recommendation on availability of funds for professional  
15 development. Board Chair Judy Jeffrey responded that the Board could be  
16 supportive of two fiscal priorities of the State Board of Education and the  
17 DE. Their legislative platform for the upcoming session calls for additional  
18 funds and resources to support the addition of a second professional  
19 development day and also to support increased opportunities for teachers to  
20 become leaders as trainers and coaches for their peers. Ms. Seeland also  
21 encouraged backing for higher salaries for teachers, the key to quality  
22 practitioners in the State of Iowa.
- 23 4) Changes have been made to the Board's website. The ethics PowerPoint  
24 presentation developed by Anita Westerhaus and Sue Swartz of Heartland  
25 Area Education Agency (AEA) 11 is available through a hyperlink from the  
26 home page. The Board's logo and links to other topics have also been  
27 added.
- 28 5) In about six weeks, a programming change to the database will indicate the  
29 date of a Letter of Reprimand of any licensee so sanctioned.
- 30 6) Licensure Consultant Geri McMahon reviewed with the Board a handout on  
31 the staff's communication plan for distributing information to constituents.
- 32 7) Dr. Maurer and Assistant Attorney General and legal counsel to the Board  
33 Christie Scase attended the NASDTEC Professional Practices Conference

1 in October, and each made a few remarks about their experience. Dr.  
2 Maurer provided the Board with a handout from the conference entitled  
3 “Standard of Care: Threshold Behaviors, Boundary Issues and  
4 Harassment.” A computer forensics expert at one session presented  
5 information on what steps administrators should take when they believe  
6 there has been a violation of district policy on computer usage. The  
7 presenter also gave updated information on technology changes that will  
8 affect whether a residual record will be available on deleted computer  
9 material and some that will bypass some computer hardware altogether.  
10 Evidence in such instances, or lack thereof, will impact the Board’s access  
11 to information to support an allegation.  
12

13 The Board next considered changes to administrative rules. Jean Seeland  
14 moved, with a second by John Aboud, to file under Notice of Intended Action,  
15 the proposed changes to Chapter 14 rules on the media specialist endorsement,  
16 which reflect the current terminology and practice in school libraries. **MOTION**  
17 **CARRIED UNANIMOUSLY.**  
18

19 The Board returned to the topic of the bundling of content area endorsements,  
20 which had been discussed at the October board meeting. Representatives from  
21 the teacher preparation institutions were not present at this time, but Executive  
22 Director Dr. George Maurer had spoken with a few individuals in the interim.  
23 Licensure Consultant Susan Fischer informed the Board of the work the staff  
24 has begun to initiate the bundling process. In addition to staff members, whose  
25 names Ms. Fischer mentioned by content area assignment, committee members  
26 will include faculty from two- and four-year institutions, practicing teachers  
27 and administrators, and content area specialists within the DE. Ms. Fischer  
28 wrote a grant proposal to get funding for some of the endorsement committee  
29 work based on content area requirements for secondary level teachers and  
30 efforts to strengthen those requirements. Board Chair Judy Jeffrey said that  
31 with regard to high school reform in approach to the content areas, from her  
32 visits to school districts the science endorsements are the ones that are

1 presently top on the list of most high schools. She urged that piece to be moved  
2 most quickly, to which Dr. Maurer agreed.

3  
4 Assistant Attorney General and legal counsel to the Board Christie Scase  
5 directed the Board to a handout containing a proposal for a process through  
6 which a licensee who has received a Letter of Reprimand (LOR) could petition  
7 for removal of the LOR from the information routinely posted on the Board's  
8 website. Board members spent time in discussion of what the procedure might  
9 be like. Board Member Greg Robinson expressed serious concern about  
10 retention of LOR records in board office files, despite proposed removal of the  
11 LOR from the website upon request. Expungement from the public record in  
12 board case files, however, is not an option at this time. Proposed rules will  
13 return to the Board at the December meeting as a First Reading. In the course  
14 of the exchange, Executive Director Dr. George Maurer informed the Board that  
15 another serious concern of the Board was being remedied. A programming  
16 change is in the works to document on the website the suspension and date of  
17 suspension of the license of any practitioner so sanctioned.

18  
19 Norma Lynch of the DE spoke to the Board about practitioner shortage areas.  
20 She talked about the formula used to calculate teacher shortage areas and  
21 about how that information is then used. Statistical data was presented from  
22 1999 to the present. The DE uses the data for strategies to recruit and retain  
23 students in the shortage areas, and Ms. Lynch reviewed those approaches.  
24 The DE also supplies the information to the federal government and to the Iowa  
25 College Student Aid Commission to make available forgivable loans to students  
26 in the shortage areas. Board members recognized limitations to the data  
27 presented and stated some of their thoughts as to the reasons for the shortages  
28 and ideas for solutions. Board Chair Judy Jeffrey suggested that colleges  
29 increase efforts to counsel individuals from elementary education, in which  
30 there is a surplus, into middle school and high school areas, particularly since  
31 about half of the graduating elementary teachers are leaving the state for  
32 positions elsewhere, while shortage areas in Iowa continue to grow. She also  
33 mentioned a DE legislative proposal that looks at shortage areas, especially

1 at the high school level, with ideas for the expansion of forgivable loans, a  
2 tuition reimbursement program for those elementary and middle school  
3 teachers willing to enter a shortage area, and a monetary award for up to five  
4 years for those agreeable to commit to teaching in the shortage areas. Ms.  
5 Jeffrey believes this proposition is another one that the Board could agree to  
6 support before the legislature. She noted the large gap between the number of  
7 those enrolled in the teacher preparation programs and the number of  
8 retirement vacancies projected in the next four years.

9  
10 The Board recessed for lunch at 11:28 a.m. and reconvened at 12:39 p.m.

11  
12 The Board looked at a draft of the Central States Certificate / License Exchange  
13 Agreement. Iowa has signed this in the past, and Executive Director Dr. George  
14 Maurer recommended renewal of the agreement. He said the document  
15 essentially posits that the teacher preparation programs in the member states  
16 are equivalent. Applicants still need to complete individual state requirements.  
17 Having presented the draft and briefed the Board, Dr. Maurer will sign the final  
18 document.

19  
20 The Board then considered the National Association of State Directors of  
21 Teacher Education and Certification (NASDTEC) Interstate Educator  
22 Certification / Licensure Agreement (2005-2010), a document similar to the  
23 Central States one, but nationwide in scope. Iowa has never participated in  
24 this. Since there is significant variance across the United States in the quality  
25 of the teacher preparation programs, Dr. Maurer did not advocate Iowa support  
26 for the wider interstate agreement at this time.

27  
28 There being no further business, Board Chair Judy Jeffrey adjourned the  
29 meeting at 12:47 p.m.